

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

FLOYD R. SNOW,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:05-CV-63-DDN
	)	
MARK STEVENS, et al.,	)	
	)	
Defendants.	)	

**ORDER AND MEMORANDUM**

This matter is before the Court upon the filing of plaintiff's motion for leave to file a second amended complaint [Doc. #15].

**Background**

Plaintiff originally filed the instant 42 U.S.C. § 1983 action against defendants Mark Stephens, Unknown Luebers, Monty Blum, Dixie Cason, Larry Cornell, Troy L. Steal, and Steve D. Long. On April 13, 2005, this Court ordered that, as to defendants Mark Stephens and Monty Blum, the Clerk shall issue process or cause process to issue upon plaintiff's complaint and first amended complaint; and as to defendants Unknown Luebers, Dixie Cason, Larry Cornell, Troy L. Steal, and Steve D. Long, the action was dismissed, without prejudice, pursuant to 28 U.S.C. § 1915(e)(2)(B). On May 6, 2005, plaintiff filed a motion for leave to file a second amended complaint [Doc. #12]. Plaintiff's motion was denied, without prejudice. The Court instructed

plaintiff that if he wished to amend his pleadings, he must seek and obtain leave of Court prior to filing an amended complaint. In addition, plaintiff was instructed to attach the proposed amended complaint to his motion for leave of Court. On May 17, 2005, plaintiff filed the instant motion for leave to file an amended complaint, and he has attached to said motion the proposed amended complaint [Doc. #15].

**The second amended complaint**

Plaintiff, an inmate at the Jefferson City Correctional Center, seeks monetary, declaratory, and injunctive relief in this action brought pursuant to 42 U.S.C. § 1983. The named defendants are Missouri Department of Corrections employees Gary Kempker, Unknown Luebers, Mark Stephens, Monty Blum, Gary Myer, Daniel Judd, Larry Barron, Jeffrey Young, Phyllis Hopkins, and Robert Killian, and Correctional Medical Services employee Brenda Reagan.

A review of the second amended complaint indicates that plaintiff's claims regarding constitutional violations survive review under 28 U.S.C. § 1915(e)(2)(B) and should not be dismissed at this time. Therefore, the Court will order that defendants reply to the second amended complaint.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion for leave to file a second amended complaint [Doc. #15] is **GRANTED**.

**IT IS FURTHER ORDERED** that the Clerk shall issue process or cause process to be issued upon the second amended complaint [Doc. #15].

**IT IS FURTHER ORDERED** that the Clerk shall docket this action as Floyd R. Snow v. Gary Kempker, Unknown Luebers, Mark Stephens, Monty Blum, Gary Myer, Daniel Judd, Larry Barron, Jeffrey Young, Phyllis Hopkins, Robert Killian, and Brenda Reagan.

Dated this 11<sup>th</sup> day of July, 2005.

David D. Noce  
UNITED STATES MAGISTRATE JUDGE